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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,529	03/16/2000	Hironori Kikkawa	69605/99	2200
21254	7590	04/20/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			NGUYEN, DUNG T	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/527,529

Applicant(s)

KIKKAWA ET AL.

Examiner

Dung Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicants' amendment dated 08/29/2003 has been received and entered.

Applicant's election with traverse of Invention I (claims 1-6 and 10-12) in the reply filed on 02/02/2005 is acknowledged. The traversal is on the ground(s) that the Requirement currently of record clearly fails to meet the initial burden; in addition, the Examiner's rationale is deficient. (e.g., step of determining a color has nothing whatsoever to do with a use in a material different process, examiner seems to ignore the claim language and confused in the significance of the physical concepts involved) and Applicants traverse that any addition burden is imposed upon considering both sets of claims. This is not found persuasive because Applicant has based the argument on his own definition of what a "burden" and not; the Examiner has demonstrated a "burden" by showing a separate classification for the two groups. In order for the Applicant to present an argument relative to there being no showing of "addition burden", he must demonstrate that the Examiner's separate classification is in error. In addition, the Examiner does not ignore the claim language, so as the limitation of "determining a color" (i.e., different way of using) would be a burden to separate classification for two groups. Finally, as asserted by Applicant, the two groups of claims are indeed patentably distinct (emphasis added).

Therefore, the election/restriction requirement would be made.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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2. Claims 1, 3-6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raynes et al., US Patent No. 5,541,753.

Regarding the above claims, Raynes et al. disclose a liquid crystal display (LCD) device (figure 6) comprising:

- . a pair of substrates (6, 7);
- . a liquid crystal layer (12), wherein liquid crystal molecules oriented to bend alignment;
- . a phase compensation plate (30, 31) provided outside of each of the substrates;
- . a retardation of a light passing through the liquid crystal layer and all phase compensation plates being limited to a value  $\lambda/2$  or  $\lambda/4$  (when  $M=1$ ) and  $\lambda$  is a wavelength of visible light (claim 10).

Although Raynes et al. do not explicitly disclose a retardation value of a minimum wavelength of the light relating to display (i.e., blue color range of 380nm to 488nm), Raynes et al. do disclose that the retardation value of visible wavelength (i.e., range of 400nm to 700nm). Thus, such disclosed range in Raynes et al. makes possible the claimed range of 380nm to 488nm, and such overlapping ranges are at least obvious. *In re Malagari*, 499 Fed.2d 1297, 182 USPQ 549 CCPA 1974.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raynes et al., US Patent No. 5,541,753, in view of Applicant's submitted prior art, Kuo et al., SID 94 Digest, Volume XXV, page 927-930.

Regarding claim 2, Raynes et al. disclose the claimed invention as described above except for a birefringent index of the liquid crystal molecules is equal to or less than 0.16. However, Kuo et al. do disclose liquid crystal molecules having a birefringent index which is

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less than 0.16 (see table 2) can be used in an LCD device. Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify the Raynes et al. liquid crystal molecules having a birefringent index which is less than 0.16 as shown by Kuo et al. in order to reduce a retardation value of a liquid crystal layer, so as to reduce light leakage in the large viewing angle of an LCD device(see page 929, left column, line 11).

### ***Response to Arguments***

4. Applicant's arguments filed 08/29/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., making any selection based on a specific color, no need to have multiple voltages) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the instant application, Applicants just recite the limitation of "limited to a value  $\frac{1}{2}$  or less of a minimum wavelength". It does not mean that a specific wavelength (i.e., specific color) has been selected.

In addition, Applicants contend that Raynes does not describe a condition in which "... retardation of light passing through the liquid crystal layer and all phase compensation plates being set to a value  $\frac{1}{2}$  or less of a minimum wavelength". It should be noted that Raynes et al. do disclose that the retardation plates being set to a value of  $\lambda/2$  or  $\lambda/4$  (in case  $M=1$ ), wherein  $\lambda$  is a wavelength of visible light (claim 10). Therefore, the claimed range would be covered (i.e.,

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overlap) by the Raynes's range. In other words, one skilled in the art would be able to ascertain what range would be used.

Furthermore, Applicants contend that claim 10 embodiment does not have two phase compensation plates. The Examiner respectfully disagrees since Raynes et al. claim 6 clearly recites a limitation of "at least one phase plate". Therefore, it could be a phase plate being provided outside of each of the substrates.

Accordingly, the rejection of the above claims stand.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

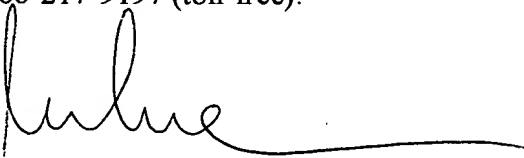
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN  
04/18/2005



**Dung Nguyen**  
**Primary Examiner**  
**Art Unit 2871**